

109TH CONGRESS
2D SESSION

S. 4079

To amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2006

Mr. HATCH (for himself, Mr. ALLARD, Ms. CANTWELL, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ADDITIONAL AUTHORIZATION FOR IMPROVE-**
4 **MENTS TO SITE SECURITY.**

5 The Reclamation Safety of Dams Act of 1978 is
6 amended—

7 (1) in section 2 (43 U.S.C. 506), by inserting
8 “and site security” after “structural safety”;

1 (2) in section 3 (43 U.S.C. 507), by inserting
2 “and site security” after “dam safety”; and

3 (3) in section 4 (43 U.S.C. 508)—

4 (A) in subsection (c)—

5 (i) in the matter preceding paragraph
6 (1), by inserting after “safety purposes”
7 the following: “and all costs incurred for
8 building and site security activities (includ-
9 ing facility fortifications, operation, main-
10 tenance and replacement of the fortifica-
11 tions, and guards and patrols, as identified
12 in the Bureau of Reclamation’s Report to
13 Congress dated February 2006)”;

14 (ii) by inserting after paragraph (2)
15 the following:

16 “(3) In the case of the Central Valley Project
17 of California—

18 “(A) the Secretary shall collect dam safety
19 and site security costs allocated to irrigation
20 and municipal and industrial water service ex-
21 clusively through inclusion of the costs in the
22 operation and maintenance rates, capital water
23 rates, or a combination of operation and main-
24 tenance rates and capital water rates; and

“(B) dam safety and site security costs allocated to irrigation and municipal and industrial water service shall not be segregated from other project operation, maintenance, or capital costs for separate allocation or repayment.”; and

(iii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) in subsection (e)—

(i) in paragraph (1), by inserting “or site security measure” after “modification”; and

(ii) in paragraph (2), by inserting “or site security measure” after “modification”.

SEC. 2. REPORTS.

The Reclamation Safety of Dams Act of 1978 is amended—

(1) in section 5 (43 U.S.C. 509)—

(A) in the first sentence—

(i) by striking “There are hereby” and inserting the following:

“(a) IN GENERAL.—There are”; and

1 (ii) by striking “Act:” and inserting
 2 “Act.”;

3 (B) in the proviso—

4 (i) by striking “*Provided*, That no
 5 funds” and inserting the following:

6 “(b) LIMITATION.—

7 “(1) IN GENERAL.—No funds”;

8 (ii) by inserting after “under author-
 9 ity of this Act” the following: “, the cause
 10 of which results from new hydrologic or
 11 seismic data or changes in the state-of-the-
 12 art criteria determined to be necessary for
 13 site security or structural safety pur-
 14 poses,”; and

15 (iii) by striking “The report required
 16 to be submitted by this section” and in-
 17 serting the following:

18 “(2) REPORT.—The report required under
 19 paragraph (1)”;

20 (C) by adding at the end the following:

21 “(c) ANNUAL REPORT.—

22 “(1) IN GENERAL.—The Secretary shall submit
 23 to the Committee on Resources of the House of Rep-
 24 resentatives and the Committee Energy and Natural
 25 Resources of the Senate an annual report on build-

ing and site security measures carried out under this Act during the applicable fiscal year.

“(2) COMPONENTS.—The report required under paragraph (1) shall include—

“(A) a summary of Federal and non-Federal expenditures for the fiscal year; and

“(B) information relating to a 5-year plan for building and site security measures carried out under this Act, which shall provide pre- and post-September 11, 2001, costs for the building and site security measures.”; and

(2) in section 5A (43 U.S.C. 509a)—

(A) in subsection (c)—

(i) in paragraph (1), by striking “under section 5” and inserting “under section 5(b)”;

(ii) in paragraph (3)—

(I) by striking “The response” and inserting “If a modification is the result of new hydrologic or seismic data or changes in the state-of-the-art criteria determined to be necessary for structural safety purposes, the response”; and

1 (II) by striking “by section 5”
2 and inserting “under section 5(b)”;
3 (B) in subsection (d), by inserting “site”
4 before “security”; and
5 (C) by inserting “or site security measure”
6 after “modification” each place it appears.

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